

### Proclamation 3558

#### PROCLAMATION AMENDING PART 3 OF THE APPENDIX TO THE TARIFF SCHEDULES OF THE UNITED STATES WITH RESPECT TO THE IMPORTATION OF BUTTER OIL

October 5, 1963

By the President of the United States of America

#### A Proclamation

7 USC 624 note.

64 Stat. 261.

19 USC 1001,  
par. 709.

WHEREAS Proclamation No. 3178 of April 15, 1957, issued pursuant to Section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), established a quota for imports of butter substitutes, including butter oil, containing 45 per centum or more of butterfat and classifiable under paragraph 709 of the Tariff Act of 1930, as amended;

WHEREAS at the time of the issuance of that proclamation butter oil was in fact being classified for purposes of tariff duty by the Bureau of Customs under paragraph 709;

WHEREAS, subsequent to the issuance of that proclamation, the United States Customs Court, in litigation involving the rate of duty applicable to butter oil and not involving the construction of that proclamation, held that butter oil was not properly classifiable for purposes of customs duty under paragraph 709 (*Faehndrich et al. v. United States*, decided July 3, 1962, C.D. 2351, 97 Treas. Decs. (No. 28) 8);

WHEREAS the decision in that case has the effect of barring the importation of butter oil under the quota established by Proclamation No. 3178, and is contrary to the intent and purpose of that proclamation and Section 22 of the Agricultural Adjustment Act; and

77A Stat. 442.

WHEREAS the quota prescribed by Proclamation No. 3178 has been superseded by the quota prescribed in Item No. 950.06, Part 3, Appendix to the Tariff Schedules of the United States:

Ante, p. 1017.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and Statutes of the United States, particularly Section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that the article description for Item No. 950.06, Part 3, Appendix to the Tariff Schedules of the United States (published in Part II of the FEDERAL REGISTER of August 17, 1963, and proclaimed by paragraph numbered 3 of Proclamation No. 3548 of August 21, 1963) is hereby amended to read as follows:

77A Stat. 28.

"Butter substitutes containing over 45 percent of butterfat provided for in item 116.30, part 4B, schedule 1, and butter oil however provided for elsewhere in these schedules."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of October in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

Dean Rusk,  
Secretary of State.